

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-HC-2228

UNITED STATES OF AMERICA,)
Petitioner,)
v.) ORDER
LEROY MILLER,)
Respondent.)

This matter is before the court on respondent's 11 September 2007 motion to dismiss the petition against him. The motion was filed prior to the Supreme Court's opinion in United States v. Comstock, ___ U.S. ___, 130 S. Ct. 1949 (2010), and on 22 June 2010 respondent filed a second motion to dismiss, limited to the issues of whether 18 U.S.C. § 4248 "or its application denies equal protection of the laws, procedural or substantive due process, or any other rights guaranteed by the Constitution[.]" Comstock, 130 S. Ct. at 1965. (6/22/10 Mot. Dismiss at 2.)

The 11 September 2007 motion to dismiss is DENIED AS MOOT.

This 21 July 2010.

Earl Butt

W. Earl Britt
Senior U.S. District Judge